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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	
	)	
4J Cattle Co., LLC,	)	P & S Docket No. D-16- 0085
	)	
and	)	
	)	
Randy Stewart,	)	P & S Docket No. D-16- 0086
	)	
	)	
Respondents	)	Consent Decision and Order

This proceeding was instituted under the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. § 181 *et seq.*) (Act), by a Complaint filed by the Deputy Administrator, Packers and Stockyards Program, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that the Respondent willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. § 201.1 *et seq.*) (Regulations). This consent decision is entered pursuant to the consent decision provision of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary under Various Statues (7 C.F.R. § 1.138) (Rules of Practice).

The Respondents admit the jurisdictional allegations in paragraph I of the Complaint and specifically admits that the Secretary has jurisdiction in this matter, admits the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this consent decision.

Complainant agrees to the entry of this consent decision.

Findings of Fact

1. 4J Cattle Co., LLC (herein Respondent 4J Cattle) is a limited liability company organized and existing under the laws of the state of South Dakota whose business address is 47711 273rd Street, Harrisburg, South Dakota 57032. The registered agent of Respondent 4J Cattle is Brett A. Lovrien whose business mailing address is 200 E. 10th Street, Suite 200, Sioux Falls, South Dakota 57104.

2. At all times martial herein, Respondent 4J Cattle was:

   a. Engaged in business as a dealer, buying and selling livestock in commerce; and

   b. Registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

3. Randy Stewart (herein Respondent Stewart) is owner of Respondent 4J Cattle with a business mailing address of 47711 273rd Street, Harrisburg, South Dakota 57032.

4. Respondent Stewart is and at all times material herein was:

   a. President of Respondent 4J Cattle;

   b. Owner of 50% of the stock issued by Respondent 4J Cattle;

   c. The person who managed, directed, and controlled Respondent 4J Cattle; and

   d. Not individually registered with the Secretary of Agriculture as a dealer to buy and sell livestock in commerce.

Conclusion

Respondents having admitted the jurisdictional facts, and the parties having agreed to the entry of this consent decision, the consent decision will be entered.

Order

Respondent 4J Cattle and Respondent Randy Stewart, directly or through any corporate or other device, in connection with their operations subject to the Act and regulations, shall cease and desist from: Failing to pay, when due, the full purchase price of livestock as required by sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 228b) and section 201.43 of the regulations (9 C.F.R. § 201.43).

Pursuant to section 312(b) of the Act (7 U.S.C. § 213(b)), Respondents are assessed jointly and severally a civil penalty in the amount of four thousand dollars ($4,000.00).

Respondents shall send a certified check or money order for two thousand dollars ($2,000.00), payable to the U.S. Department of Agriculture, to USDA GIPSA, P. O. Box 790335, St. Louis, Missouri 63179-0335 within thirty (30) days from the effective date of this order as determined by the issuing Administrative Law Judge.

Respondents shall send another certified check or money order for two thousand dollars ($2,000.00), payable to the U.S. Department of Agriculture, to USDA GIPSA, P. O. Box 790335, St. Louis, Missouri 63179-0335 within ninty (90) days from the effective date of this order as determined by the issuing Administrative Law Judge.

Respondents shall indicate on all certified checks or money orders that payment is in reference to P&S Docket No. D-16-0085 & D-16-0086.

The provisions of this order shall become effective on the sixth day after service of this consent decision and order on respondent.

Copies of this decision and order shall be served upon the parties.

Done at Washington, D.C.

this 6th day of April, 2016

[redacted]

Administrative Law Judge

By: Randy Stewart
Title: President
4J Cattle Co., LLC
Respondent

[redacted]

Randy Stewart

[redacted]

John V. Rodriguez
Attorney for Complainant